

1 NORMAN H. KIRSHMAN, P.C.
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7 Attorney for *Defendant*

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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 TRUSTEES OF THE TEAMSTERS LOCAL
13 631 SECURITY FUND FOR SOUTHERN
14 NEVADA,

15 Plaintiffs,

16 v.

17 NEVADA READY MIX CORPORATION, a
18 Delaware Corporation

19 Defendant.

20 CASE NO. 2:10-cv-01354-LDG-PAL

21 **DEFENDANT'S MOTION FOR
SETTLEMENT CONFERENCE.**

22 Defendant, Nevada Ready Mix, hereby files a Motion for Settlement Conference.

23 On October 20, 2010, Defendant's counsel emailed Plaintiff's counsel requesting a
24 settlement meeting. On October 21, 2010, Defendant's counsel called Plaintiff's counsel, Dana
Krulewitz, and requested a settlement meeting either that day or the following day, informing her
that checks had been prepared by NRM to settle the matter. At that time, Ms. Krulewitz
informed Plaintiff's counsel that she did not have settlement authority and we would have to make
our request to Mr. Segal. Plaintiff's counsel then called Mr. Segal's office and left a voicemail,
reiterating what had been said to Ms. Krulewitz.

25 On October 21, 2010, Defendant's counsel received an email from Ms. Krulewitz stating
26 "Please go ahead and prepare the settlement offer you are thinking of and we will review it next
27 week." (Exhibit 1). After receipt of the email, Defendant's counsel again called Mr. Segal's
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1 office and left a voicemail stating we would like to have a settlement meeting as soon as possible.

2 As of this date, we have not received a response to our voicemail.

3 Defendant's counsel has provided Mr. Segal with detailed payroll records and has had no
4 response from Mr. Segal.

5 Defendant requests the Court schedule a settlement conference in this matter as soon as
6 possible. Time is of the essence because liquidated damages at approximately twenty percent
7 (20%) of principal plus interest continue to run as well as the Trust Fund's attorneys fees.

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9 Dated: October 25, 2010

NORMAN H. KIRSHMAN, P.C.

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//ss// Norman H. Kirshman
Norman H. Kirshman (2733)
700 S. Third Street
Las Vegas, NV 89101
Attorney for Defendant

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1 **CERTIFICATE OF MAILING**
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1 hereby certify that on the 25st day of October 2010, I served a true and correct copy of
2 **"DEFENDANT'S MOTION FOR SETTLEMENT CONFERENCE"** by:

- 3 serving the following parties electronically through CM/ECF;
4
5 faxing a copy to the numbers below;
6
7 depositing a copy in the United States mail, first class postage fully prepaid to the
8 persons and addresses listed below:

9
10 Adam P. Segal, Esq.
11 Dana B. Krulewitz, Esq.
12 BROWNSTEIN HYATT FARBER SCHRECK, LP
13 100 North City Parkway, Suite 1600
14 Las Vegas, NV 89106-4614

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13 *Lynn A Vlakos*
14 An Employee of Norman H. Kirshman, P.C.

EXHIBIT “1”

EXHIBIT “1”

From: Krulewitz, Dana B. (DKrulewitz@BHFS.com)
To: kirshmanlaw@yahoo.com;
Date: Thu, October 21, 2010 11:13:35 AM
Cc: EDavis@BHFS.com;
Subject: RE: NRM / Trustees Teamsters 631

Please go ahead and prepare the settlement offer you are thinking of and we will review it next week.

Thanks.
Dana

From: Norman Kirshman [mailto:kirshmanlaw@yahoo.com]
Sent: Wednesday, October 20, 2010 3:44 PM
To: Krulewitz, Dana B.
Cc: Segal, Adam P.
Subject: NRM / Trustees Teamsters 631

Dear Dana,
I truly believe this matter can be settled, but we will need a meeting as soon as possible.

Norman H. Kirshman
(702) 382-5610